

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

In re: BAIR HUGGER FORCED  
AIR  
WARMING DEVICES PRODUCTS  
LIABILITY LITIGATION

**MDL No. 15-2666 (JNE/DTS)**

This document relates to:

Judge: Joan N. Ericksen  
Mag. Judge: David T. Schultz

Bowden v. 3M Company, et al.  
Cause No. 18-cv-03368-JNE-DTS

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S**  
**MOTION TO DISMISS**

COMES NOW Plaintiff Carrol Bowden and in response to Defendants' Motion to Dismiss for failure to comply with Pre-Trial Order 14 (1934, 1935), states:

1. Counsel for Plaintiff has been advised of the failure to complete Carrol Bowden's Plaintiff Fact Sheet and has been working diligently with her to complete said document.
2. On June 19, 2019, Counsel for Plaintiff served the Plaintiff Fact Sheet.
3. On June 19, 2019, Counsel for Plaintiff advised defense counsel that the Plaintiff Fact Sheet had been completed.
4. The nature of the former deficiency is not substantive. Rather, it was due to Plaintiff's failure to meet the Court's deadline, which was as a result of Plaintiff's struggle in accumulating the required information necessary to complete the form within this time period. The deficiency has now been cured.
5. Plaintiff requests this Court deny Defendants' Motion to Dismiss with Prejudice.
6. Plaintiff will suffer undue prejudice if she is not able to proceed with this matter as she has alleged serious, debilitating, and permanent injuries as a result of the Bair

Hugger device.

WHEREFORE, Plaintiff Carrol Bowden prays this Court deny Defendants' Motion to Dismiss with Prejudice.

Respectfully submitted,

**MORRIS LAW FIRM**

*/s/James A. Morris, Jr.*

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**ATTORNEY FOR PLAINTIFF**

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**L.R. 7.1 WORD COUNT COMPLIANCE CERTIFICATE**

I, James A. Morris, Jr., certify that Plaintiff's Opposition to Defendants' Motion to Dismiss complies with Local Rule 7.1(f) and 7.1(h).

I further certify that, in preparation of this Opposition, I used Microsoft Word and that this word processing program has been applied specifically to include all text, including headings, footnotes and quotations in the following word count.

I further certify that the above referenced Opposition contains 200 words, exclusive of the caption and signature block.

Dated: June 19, 2019

Respectfully submitted,

**MORRIS LAW FIRM**

**/s/James A. Morris, Jr.**

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**ATTORNEY FOR PLAINTIFF**

CERTIFICATE OF SERVICE

I certify that on June 19, 2019, the foregoing: PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS was filed electronically by using the CM/ECF system which will deliver the document to all counsel of record.

/s/ James A. Morris, Jr.  
James A. Morris, Jr.